IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3551 of 2005

Between:

Janugu Suryanarayana, S/o. Jogulu,
R/o. Kasapa Pentapadu, Pentapadu Post,

Via Tadepalligudem, Pentapadu Mandal,
West Godavari District.

..... PETITIONER

AND

1 The Superintending Engineer, (Operations Circle),

Eastern Power Distribution Company of A.P. Ltd.,
(APEPDCL) APTRANSCO, Eluru, West Godavari District.
2 The Chief Engineer (Electricity Operations), AP TRANSCO

Vijayawada Zone, Vijayawada.
3 The Chief Engineer (Electricity) HRD,

Eastern Power Distribution Company of A.P. Ltd.,
(APEPDCL) APTRANSCO, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ of Mandamus or any other appropriate Writ, order or direction declaring the impugned action of the respondents in rejecting the Appeal against the final orders passed in Disciplinary proceedings, as time barred even though the appeal was preferred by the petitioner well within time thereby depriving the Petitioner, his valuable right of appeal, on a wholly erroneous view treating the subsequent reminder as the original Appeal illegal, arbitrary and violative of principles of natural justice etc and consequently direct the respondents herein to consider the Appeal

submitted by the Petitioner and dispose the same and settle the benefits for which the Petitioner is eligible as per law and grant such other just and consequential relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.V.ANANTHA KRISHNA

Counsel for the Respondents: MR.KISHORE SAMINENI (SC FOR AP TRANSCO)

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed to declare the action of the respondents in rejecting the appeal preferred by the petitioner against the final orders passed in Disciplinary proceedings, as time barred, even though the appeal was preferred by the petitioner well within time, as arbitrary and illegal.

Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

The petitioner filed an appeal before the Chief Engineer (Electricity Operations) on 25-09-1999. But, the respondents by impugned proceedings dated 22-09-2000, rejected the said appeal as time barred. That is the only ground for rejection of the appeal. As seen from the rubber stamp affixed on the appeal petition, it is clearly shown that the respondents received the appeal on 25-09-1999. Even according to the respondents, the appeal has to be preferred on or before 26-09-1999.

Therefore, the writ petition is disposed of with a direction to the respondents to dispose of the appeal preferred by the petitioner, on its merits, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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02-03-2005

vs

To

1 The Superintending Engineer, (Operations Circle),

Eastern Power Distribution Company of A.P. Ltd.,
(APEPDCL) APTRANSCO, Eluru, West Godavari District.

2 The Chief Engineer (Electricity Operations), AP TRANSCO

Vijayawada Zone, Vijayawada.

3 The Chief Engineer (Electricity) HRD,

Eastern Power Distribution Company of A.P. Ltd.,
(APEPDCL) APTRANSCO, Visakhapatnam.

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THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3551 of 2005

Dated: 02-03-2005

vs